

Practitioner's Docket No. 2498/101

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Mohammad B. Bahramian, Helmut Zarbl

Application No.: 09/472,558

Group No.: 1632

Filed: 12/27/1999

Examiner: Paras, Jr., P.

For: Muting Gene Activity Using a Transgenic Nucleic Acid

**RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP**

Box AF  
Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231  
**37 C.F.R. § 1.8(a)**

☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Addressee"  
Mailing Label No. EV242038957US (**mandatory**)

**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Date: December 13, 2002

Barbara J. Carter

*(type or print name of person certifying)*

*\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

## STATUS

2. Applicant is a small entity. A statement was already filed.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee: \$55.00

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No Previously Paid For	Present Extra	Rate	Addit Fee
Total	56	Minus	56	= 0	x \$9 =	\$0
Indep	7	Minus	7	= 0	x \$42 =	\$0
First Presentation of Multiple Dependent Claim					+ \$140 =	\$0
					Total Addit. Fee	\$0

No additional fee for claims is required.

## FEE PAYMENT

5. Authorization is hereby made to charge the amount of \$55.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

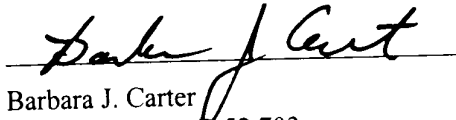
**FEE DEFICIENCY**

6.

If any additional extension and/or fee is required, charge Account No. 19-4972.

If any additional fee for claims is required, charge Account No. 19-4972.

Date: December 13, 2002

  
Barbara J. Carter  
Registration No. 6-52,703  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618  
US  
617-443-9292  
Customer No. 02101



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mohammad B. Bahramian, Helmut Zarbl

Application No.: 09/472,558

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Box AF

Commissioner for Patents

Washington, D.C. 20231

SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE

1. This replies to the Office Letter DATED August 13, 2002.

A copy of the Office Letter is enclosed.

IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Barbara J. Carter state the following:

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

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Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Barbara J. Carter

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

### **ITEMS BEING SUBMITTED**

3. Submitted herewith is/are:

"Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.

A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.

A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).

### **STATEMENT THAT "SEQUENCE LISTING" AND COMPUTER READABLE COPY ARE THE SAME AND THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.

All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

### **STATUS**

5. Applicant is a small entity. A statement was already filed.

### **EXTENSION OF TERM**

6. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for one month:

Fee: \$55.00

### **FEE PAYMENT**

7. Authorization is hereby made to charge the amount of \$55.00 to Deposit Account No. 19-4972.

A duplicate of this paper is attached.

**FEE DEFICIENCY**

If any additional extension and/or fee is required, charge Account No. 19-4972.

**SIGNATURE(s)**

Barbara J. Carter

  
Signature

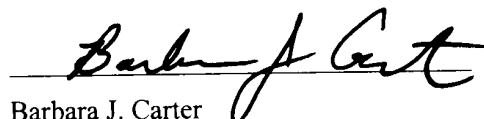
Practitioner of record  
Registration Number: P-52,703

December 13, 2002

Date

Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618  
US  
Tel. No. 617-443-9292

Date: December 13, 2002

  
Barbara J. Carter  
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125 Summer Street  
Boston, MA 02110-1618  
US  
617-443-9292  
Customer No. 02101

Practitioner's Docket No. 2498/101

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mohammad B. Bahramian, Helmut Zarbl

Application No.: 09/472,558

Group No.: 1632

Filed: December 27, 1999

Examiner: Paras, Jr., P.

For: Muting Gene Activity Using a Transgenic Nucleic Acid

Commissioner for Patents

Washington, D.C. 20231

TRANSMITTAL OF FORMAL DRAWINGS

In response to the NOTICE OF INFORMAL DRAWINGS mailed on August 13, 2002, attached please find:

- (a) the formal drawing(s) for this application.  
Number of Sheets: 9

Each sheet of drawing indicates the identifying indicia suggested in § 1.84(c).

- (b) a copy of the NOTICE OF INFORMAL DRAWINGS.

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

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Signature

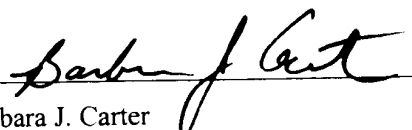
Date: December 13, 2002

Barbara J. Carter

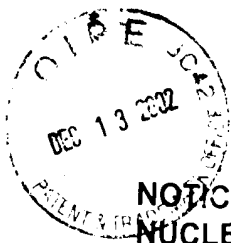
*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Date: December 13, 2002

  
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Registration No. P-52,703  
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125 Summer Street  
Boston, MA 02110-1618  
US  
617-443-9292  
Customer No. 02101





Application No.: 09472,558

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

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To Purchase PatentIn Software.....703-306-2600

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